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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Report of the Third Committee*

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I. Introduction

1. At its 3rd plenary meeting, on 17 September 1999, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fourth session the item entitled "Human rights questions: human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Third Committee held a substantive debate on sub-item (c) jointly with sub-items (b), (d) and (e) at its 32nd to 43rd meetings, on 4 and 5 and from 8 to 11 November 1999, and took up proposals relating to sub-item (c) at its 46th, 48th, 50th to 52nd and 54th to 56th meetings, from 15 to 19 and on 22 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/54/SR. 32-43, 46, 48, 50-52 and 54-56).

3. For the documents before the Committee under this sub-item, see A/54/605.

4. At the 32nd meeting, on 4 November, the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/54/SR.32).

5. At the same meeting, the Special Rapporteur of the Commission on Human Rights on the question of torture made an introductory statement (see A/C.3/54/SR.32).

6. At the 34th meeting, on 5 November, the Special Representative of the Secretary-General for human rights in Cambodia, the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran and the

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Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq made introductory statements (see A/C.3/54/SR.34).

7. At the 35th meeting, on 5 November, the independent expert on the situation of human rights in Haiti, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Special Representative of the Commission on Human Rights on the Situation of human rights in Rwanda made introductory statements (see A/C.3/54/SR.35).

8. At the same meeting, the Director of the New York Office of the United Nations High Commissioner for Human Rights, on their behalf, introduced the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, the representative of the Secretary-General on internally displaced persons and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi, and made an introductory statement under sub-item (b) (see A/C.3/54/SR.35).

9. At the 36th meeting, on 8 November, the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of intolerance and of discrimination based on religion or belief made an introductory statement (see A/C.3/54/SR.36).

II. Consideration of proposals

A. Draft resolution A/C.3/54/L.58

10. At its 54th meeting, on 19 November, the Committee had before it a draft resolution entitled "Question of human rights in Afghanistan" (A/C.3/54/L.58), submitted by the Chairman on the basis of informal consultations.

11. At the same meeting, the Chairman orally revised the text by adding, after the fourth preambular paragraph, a new preambular paragraph, reading:

> "*Recalling further* that the United Nations continues to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict, and encouraging all efforts at the national, regional and international levels aimed at finding a solution to the continuing conflict through a broad-based dialogue involving all concerned actors".

12. At the same meeting, the Committee adopted draft resolution A/C.3/54/L.58, as orally revised, without a vote (see para. 62, draft resolution I).

13. After the adoption of the draft resolution, a statement was made by the representative of Pakistan (see A/C.3/54/SR.54).

B. Draft resolution A/C.3/54/L.59

14. At the 46th meeting, on 15 November, the representative of Finland, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Monaco, the Netherlands, Norway, Poland, Portugal, San Marino, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Human rights situation in the

Islamic Republic of Iran" (A/C.3/54/L.59). Subsequently, Liechtenstein and Malta joined in sponsoring the draft resolution.

15. At its 52nd meeting, on 18 November, the Committee adopted draft resolution A/C.3/54/L.59 by a recorded vote of 60 to 41, with 53 abstentions (see para. 62, draft resolution II). The voting was as follows:

In favour:

Andorra, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominica, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Paraguay, Poland, Portugal, Romania, Saint Kitts and Nevis, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

Afghanistan, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Bhutan, Brunei Darussalam, China, Colombia, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Gambia, India, Indonesia, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Nepal, Pakistan, Philippines, Qatar, Saudi Arabia, Senegal, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkmenistan, United Republic of Tanzania, Venezuela, Viet Nam, Zimbabwe.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Argentina, Benin, Bolivia, Botswana, Burkina Faso, Cambodia, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Cyprus, Egypt, Eritrea, Ethiopia, Georgia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Madagascar, Malawi, Mexico, Mozambique, Namibia, Nicaragua, Oman, Panama, Peru, Republic of Korea, Republic of Moldova, Russian Federation, Saint Lucia, Sierra Leone, Singapore, South Africa, Suriname, Swaziland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, United Arab Emirates, Uruguay, Zambia.

16. Before the adoption of the draft resolution, statements were made by the representatives of Jordan, Egypt, El Salvador, the Libyan Arab Jamahiriya and Yemen, and, after the adoption of the draft resolution, by the representatives of the Islamic Republic of Iran, Guatemala, the United Republic of Tanzania, Viet Nam, Japan, Brazil and the Philippines (see A/C.3/54/SR.52).

C. Draft resolution A/C.3/54/L.60 and amendment contained in document A/C.3/54/L.92

17. At the 48th meeting, on 16 November, the representative of Finland, on behalf of Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, San Marino, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States

of America, introduced a draft resolution entitled "Human rights situation in Iraq" (A/C.3/54/L.60). Subsequently, Malta and Slovakia joined in sponsoring the draft resolution.

18. In introducing the draft resolution, the representative of Finland orally revised operative paragraph 2 (h) by inserting the words "and its technical subcommittee" after the words "To cooperate with the Tripartite Commission".

19. At the 50th meeting, on 17 November, the representative of the Russian Federation introduced an amendment (A/C.3/54/L.92) to draft resolution A/C.3/54/L.60 by which, at the end of the sixth preambular paragraph, a phrase would be added, reading:

> "in which these bodies recognized, *inter alia*, that the effect of sanctions and blockades had been to cause suffering and death in Iraq, especially to children".

20. At the 54th meeting, on 19 November, the representative of Finland further orally revised draft resolution A/C.3/54/L.60 by:

(a) Adding, at the end of the sixth preambular paragraph, the words "in which these treaty monitoring bodies point to a wide range of human rights problems and hold the view that the Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, including children";

(b) Inserting, in the eighth preambular paragraph, the words "as, *inter alia*, stated in the reports of several United Nations human rights treaty bodies" after the words "which particularly affects certain vulnerable groups, such as children".

21. At the same meeting, the United States of America withdrew its sponsorship of the draft resolution.

22. Also at the same meeting, the representative of the Russian Federation withdrew the amendment contained in document A/C.3/54/L.92.

23. Also at the same meeting, the Committee voted on draft resolution A/C.3/54/L.60, as orally revised, as follows:

(a) Operative paragraphs 2 (a), 3 (g), 3 (i) and 3 (j) were adopted jointly by a recorded vote of 91 to 1, with 54 abstentions. The voting was as follows:

In favour:

> Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia, Zimbabwe.

Against:

> Sudan.

Abstaining:

Algeria, Armenia, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Gambia, Ghana, Grenada, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Papua New Guinea, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Singapore, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam.

(b) Draft resolution A/C.3/54/L.60, as a whole, as orally revised, was adopted by a recorded vote of 96 to 2, with 51 abstentions (see para. 62, draft resolution III). The voting was as follows:

In favour:

Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Zambia, Zimbabwe.

Against:

Libyan Arab Jamahiriya, Sudan.

Abstaining:

Algeria, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Ghana, Guinea, Guinea-Bissau, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Madagascar, Malaysia, Mali, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Papua New Guinea, Philippines, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Singapore, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam.

24. Before the adoption of the draft resolution, statements were made by the representatives of the United States of America, Egypt, the Sudan, the Libyan Arab Jamahiriya and Benin; after the adoption of the draft resolution, statements were made by the representative of Pakistan (see A/C.3/54/SR.54).

D. Draft resolution A/C.3/54/L.63

25. At the 48th meeting, on 16 November, the representative of Finland, on behalf of Argentina, Austria, Belgium, Chile, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Lithuania, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Situation of human rights in the Democratic Republic of the Congo" (A/C.3/54/L.63). Subsequently, Australia, Bulgaria, Canada, Estonia, Hungary, Iceland, Malta, Monaco, Poland, Romania, Slovenia and the United States of America joined in sponsoring the draft resolution.

26. At the 56th meeting, on 22 November, the representative of Finland orally revised the text as follows:

(a) At the end of the fourth preambular paragraph, the words "and 1273 (1999) of 5 November 1999" were added;

(b) At the end of the seventh preambular paragraph, the words "while noting that the security situation in the Democratic Republic of the Congo does not yet allow such a mission" were deleted;

(c) At the end of the eighth preambular paragraph, the words "and, with that in view, encouraging the Government to fulfil its commitment to reform and restore the judicial system in conformity with the provisions of the International Covenant on Civil and Political Rights" were added;

(d) In operative paragraph 1 (d), the words "of 10 July 1999" were deleted after the words "The Lusaka Ceasefire Agreement" and the words "as at 31 August 1999" were deleted after the words "Democratic Republic of the Congo";

(e) After existing operative paragraph 1 (e), a new subparagraph was inserted, reading:

"The appointment by the Secretary-General of a special representative for the Democratic Republic of the Congo",

and the subsequent subparagraphs were renumbered accordingly;

(f) In operative paragraph 1 (h) (former paragraph 1 (g)), the words "calls upon the Government of the Democratic Republic of the Congo" were revised to read "encourages the Government of the Democratic Republic of the Congo";

(g) In operative paragraph 2 (b), the words "in particular", which appeared at the end of the paragraph, were revised to read "and with that in view condemns";

(h) At the end of operative paragraph 2 (b) (i), the words "and Kasala" were added;

(i) In operative paragraph 2 (b) (ii), the word "harassment" was inserted after the word "beating";

(j) At the end of operative paragraph 2 (b) (iii), the words "in disregard of the provisions contained in the International Covenant on Civil and Political Rights" were deleted;

(k) Operative paragraph 2 (d), which read:

"At the persecution of human rights defenders and their organizations throughout the territory of the Democratic Republic of the Congo",

was deleted;

(l) Operative paragraph 3 (d), which read:

"To cease all military activity in the Democratic Republic of the Congo",

was deleted and the subsequent subparagraphs were renumbered accordingly;

(m) At the end of operative paragraph 4 (a), the words "throughout its entire territory" were added;

(n) At the beginning of operative paragraph 4 (b), the words "To fulfil its responsibility to protect the human rights of the population on its territory, as well as" were deleted;

(o) In operative paragraph 4 (e), the words "To put an end to impunity and"were replaced by the words "To fulfil its responsibility";

(p) In operative paragraph 4 (g), the words "To remove the restrictions that still affect the work of non-governmental organizations" were moved from the beginning of the paragraph to the end.

27. At the same meeting, the Committee adopted draft resolution A/C.3/54/L.63, as orally revised, by a recorded vote of 80 to 8, with 47 abstentions (see para. 62, draft resolution IV). The voting was as follows:

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Barbados, Belarus, Belgium, Belize, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sweden, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against:

Chad, China, Cuba, Democratic Republic of the Congo, Iran (Islamic Republic of), Myanmar, Sudan, Zimbabwe.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Bangladesh, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Ghana, Guinea, India, Indonesia, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malawi, Malaysia, Mali, Mozambique, Namibia, Nepal, Pakistan, Philippines, Rwanda, Saint Lucia, Senegal, Sierra Leone, Singapore, Sri Lanka, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Zambia.

28. Before the adoption of the draft resolution, statements were made by the representatives of the Democratic Republic of the Congo, Finland, Rwanda, Uganda and Burundi (see A/C.3/54/SR.56).

E. Draft resolution A/C.3/54/L.76

29. At the 48th meeting, on 16 November, the representative of Sweden, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Costa Rica, the Czech Republic, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Monaco, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/54/L.76). Subsequently, Finland, Iceland, Malta and the Republic of Korea joined in sponsoring the draft resolution.

30. At the 53rd meeting, on 19 November, the representative of Sweden orally revised the text by adding, after the seventh preambular paragraph, a new preambular paragraph reading:

> "*Noting* that the Government of Myanmar, as a State party to the Convention on the Elimination of All Forms of Discrimination against Women, has submitted its initial report to the Committee on the Elimination of Discrimination against Women for its consideration".

31. At the same meeting, the Committee adopted draft resolution A/C.3/54/L.76, as orally revised, without a vote (see para. 62, draft resolution V).

32. Before the adoption of the draft resolution, a statement was made by the representative of Myanmar; after the adoption of the draft resolution, statements were made by the representatives of the Netherlands, Canada and Japan (see A/C.3/54/SR.53).

F. Draft resolution A/C.3/54/L.80

33. At the 48th meeting, on 16 November, the representative of Venezuela, on behalf of Andorra, Australia, Argentina, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, France, Guatemala, Haiti, Japan, Mexico, Monaco, Norway, Paraguay, Peru, Spain, the United States of America, Uruguay and Venezuela, introduced a draft resolution entitled "Situation of human rights in Haiti" (A/C.3/54/L.80). Subsequently, Afghanistan, Austria, Denmark, the Dominican Republic, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Malta, the Netherlands, Panama, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution.

34. In introducing the draft resolution, the representative of Venezuela orally revised the text as follows:

(a) At the end of the fifth preambular paragraph, the words "in that country" were deleted;

(b) In the seventh preambular paragraph, the words "general elections" were replaced by the words "legislative and local elections";

(c) At the end of operative paragraph 1, the words "in that country" were deleted;

(d) In operative paragraph 8, the word "specific" was inserted before the word "context".

35. At its 51st meeting, on 18 November, the Committee adopted draft resolution A/C.3/54/L.80, as orally revised, without a vote (see para. 62, draft resolution VI).

36. Before the adoption of the draft resolution, a statement was made by the representative of Haiti (see A/C.3/54/SR.51).

G. Draft resolution A/C.3/54/L.81 and amendments contained in documents A/C.3/54/L.93 and L.98

37. At the 48th meeting, on 16 November, the representative of Finland, on behalf of Argentina, Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Monaco, the Netherlands, Poland, Portugal, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Situation of human rights in the Sudan" (A/C.3/54/L.81). Subsequently, Andorra, Australia, Canada, Iceland, Israel, Japan, Liechtenstein, Lithuania, Malta, Romania and Slovakia joined in sponsoring the draft resolution.

38. At its 52nd meeting, on 18 November, the Committee had before it amendments to the draft resolution, submitted by the United States of America (A/C.3/54/L.98). At the same meeting, the representative of the United States of America withdrew the amendments.

39. At the 55th meeting, on 22 November, the representative of Finland orally revised the text of draft resolution A/C.3/54/L.81 as follows:

(a) In operative paragraph 2 (b) (ii), the words "At cases of severe restrictions" were replaced by the words "At cases of restriction";

(b) Operative paragraph 3 (b), which read:

"To stop immediately the use of weapons, including landmines, against the civilian population, and in particular the Sudanese People's Liberation Army to abstain from using civilian premises for military purposes",

was revised to read:

"To stop immediately the use of weapons, including landmines, against the civilian population, which runs counter to principles of humanitarian law, and urges in particular the Sudanese People's Liberation Army to stop immediately using civilian premises for military purposes";

(c) In operative paragraph 3 (g), the words "while travelling with a team from the International Committee of the Red Cross" were revised to read "while accompanying a team from the International Committee of the Red Cross on a humanitarian mission";

(d) In operative paragraph 4 (d), the words "and to prevent" were inserted after the words "To take all effective measures to end";

(e) At the end of operative paragraph 4 (k), the words "deprived of their liberties" were deleted;

(f) At the end of operative paragraph 5, the words "in the country" were deleted;

(g) In operative paragraph 6, the words "in the country" were deleted after the words "High Commissioner";

(h) In operative paragraph 8, the words "*Decides* to continue examination" were replaced by the words "*Decides* to continue its consideration", and the words "taking into account new developments and additional elements" were replaced by the words "in the light of further elements".

40. At the 55th meeting, on 22 November, the Committee had before it amendments to the draft resolution, submitted by the Sudan (A/C.3/54/L.93). At the same meeting, the representative of the Sudan withdrew the amendments.

41. Also at the same meeting, the Committee adopted draft resolution A/C.3/54/L.81, as orally revised, by a recorded vote of 81 to 28, with 42 abstentions (see para. 62, draft resolution VII). The voting was as follows:

In favour:

Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Zimbabwe.

Against:

Algeria, Bahrain, Chad, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Fiji, Gambia, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Libyan Arab Jamahiriya, Morocco,

Myanmar, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Suriname, Syrian Arab Republic, United Arab Emirates, Viet Nam.

Abstaining:

Albania, Antigua and Barbuda, Bangladesh, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Equatorial Guinea, Grenada, Guinea, India, Lao People's Democratic Republic, Lebanon, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mozambique, Nepal, Papua New Guinea, Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Singapore, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, Ukraine, United Republic of Tanzania, United States of America, Zambia.

42. Before the adoption of the draft resolution, statements in explanation of vote were made by the representatives of the Sudan and the United States of America, and after the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Norway and the Libyan Arab Jamahiriya; subsequently, a statement was made by the representative of Japan (see A/C.3/54/SR.55).

H. Draft resolution A/C.3/54/L.82 and amendments contained in document A/C.3/54/L.97

43. At the 50th meeting, on 17 November, the representative of the United States of America, on behalf of Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Lithuania, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Slovenia, Spain, Sweden, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Kosovo" (A/C.3/54/L.82). Subsequently, Croatia, Israel and Poland joined in sponsoring the draft resolution.

44. In introducing the draft resolution, the representative of the United States of America orally revised it as follows:

(a) In the seventh preambular paragraph, the word "their" was inserted before the words "full and equal rights";

(b) In operative paragraph 9, the words:

"and also demands that Kosovo Albanian leaders provide an updated list of all persons detained and held against their will in Kosovo, that the well-being of detainees be assured and that the Kosovo Albanian leaders must cooperate with the Interim Administration Mission in achieving the immediate release of all detainees"

were deleted from the end of the paragraph.

45. At the 52nd meeting, on 18 November, the representative of the Russian Federation introduced amendments (A/C.3/54/L.96) to draft resolution A/C.3/54/L.82, by which:

(a) The title of the draft resolution would be amended to read "The situation of human rights in Kosovo, Federal Republic of Yugoslavia";

(b) After the existing second preambular paragraph, a new preambular paragraph would be inserted, reading:

"*Reaffirming* the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and other States of the region, as set out in the Helsinki Final Act of the Conference on Security and Cooperation in Europe of 1975 and Security Council resolution 1244 (1999) of 10 June 1999, and the general principles annexed thereto".

46. At the 56th meeting, on 22 November, the representative of the United States of America further orally revised the draft resolution by inserting, after the second preambular paragraph, a third preambular paragraph reading:

"*Recalling*, against the background of years of repression, intolerance and violence in Kosovo, the challenge to build a multi-ethnic society on the basis of substantial autonomy, respecting the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (Serbia and Montenegro), pending final settlement in accordance with the Security Council resolution 1244 (1999) of 10 June 1999".

47. At the same meeting, the representative of the Russian Federation withdrew the amendments contained in document A/C.3/54/L.97.

48. Also at the same meeting, the Committee adopted draft resolution A/C.3/54/L.82, as orally revised, by a recorded vote of 101 to 3, with 36 abstentions (see para. 62, draft resolution VIII). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chad, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Thailand, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Zambia, Zimbabwe.

Against:

Belarus, India, Russian Federation.

Abstaining:

Angola, Antigua and Barbuda, Belize, Benin, Bhutan, Burkina Faso, Cambodia, Cameroon, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Jamaica, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mali, Mozambique, Myanmar, Namibia, Nepal, Panama, Peru, Rwanda, Saint Lucia, Singapore, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Uganda, Ukraine, United Republic of Tanzania, Venezuela.

49. Before the adoption of the draft resolution, a statement in explanation of vote was made by the representative of Cuba; after the adoption of the draft resolution, statements were made by the representatives of China and Japan (see A/C.3/54/SR.56).

I. Draft resolution A/C.3/54/L.86 and amendment contained in A/C.3/54/L.96

50. At the 52nd meeting, on 18 November, the representative of the United States of America, on behalf of Australia, Bosnia and Herzegovina, Bulgaria, Djibouti, Hungary, Ireland, Japan, Pakistan, Poland, Portugal, Slovenia, Turkey and the United States of America, introduced a draft resolution entitled "Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)" (A/C.3/54/L.86). Subsequently Andorra, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Iceland, Israel, Italy, Jordan, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Morocco, the Netherlands, New Zealand, Norway, San Marino, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution.

51. In introducing the draft resolution, the representative of the United States of America orally revised the text as follows:

(a) In operative paragraph 13, the words "the rights of" were inserted before the words "persons belonging to minorities";

(b) In operative paragraph 40, the words "and of the Government of the Republic of Serbia" were inserted after the words "in the hierarchy of the Federal Republic of Yugoslavia (Serbia and Montenegro)";

(c) In operative paragraph 41, the words "and of the Government of the Republic of Serbia" were inserted after the words "all government officials of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro)".

52. At the same meeting, the representative of the Russian Federation introduced and orally revised an amendment (A/C.3/54/L.96) to draft resolution A/C.3/54/L.86, by which, after the third preambular paragraph, the following new preambular paragraph would be inserted:

> "*Reaffirming* also the territorial integrity of all States in the region, within their internationally recognized boundaries".

53. At the 56th meeting, on 22 November, the representative of the United States of America further orally revised the draft resolution by inserting, after the third preambular paragraph, a new preambular paragraph reading:

> "*Reaffirming also* the territorial integrity of all States in the region, within their internationally recognized borders, taking fully into account all relevant Security Council resolutions".

54. At the same meeting, the representative of the Russian Federation withdrew the orally revised amendment contained in document A/C.3/54/L.96.

55. Also at the same meeting, the Committee voted on draft resolution A/C.3/54/L.86, as orally revised, as follows:

(a) Section III of the draft resolution was adopted by a recorded vote of 105 to 3, with 26 abstentions. The voting was as follows:

In favour:

Albania, Algeria, Andorra, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belgium, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chad, Chile, Colombia, Costa Rica, Croatia, Cyprus,

Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

Against:

Belarus, China, Russian Federation.

Abstaining:

Angola, Antigua and Barbuda, Benin, Burkina Faso, Cambodia, Cameroon, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Eritrea, Ethiopia, India, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mexico, Mozambique, Myanmar, Namibia, Rwanda, Saint Lucia, Singapore, South Africa, Togo, Uganda, United Republic of Tanzania.

(b) Sections I and II of the draft resolution were adopted by a recorded vote of 107 to none, with 28 abstentions. The voting was as follows:

In favour:

Albania, Algeria, Andorra, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados Belgium, Bhutan, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chad, Chile, Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kuwait, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Angola, Antigua and Barbuda, Belarus, Benin, Burkina Faso, Cambodia, Cameroon, China, Croatia, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Eritrea, Ethiopia, India, Kenya, Lao People's Democratic Republic, Mozambique, Myanmar, Namibia, Russian Federation, Rwanda, Saint Lucia, Singapore, South Africa, Togo, Uganda, United Republic of Tanzania.

(c) Draft resolution A/C.3/54/L.86, as a whole, as orally revised, was adopted by a recorded vote of 112 to 2 with 26 abstentions (see para. 62, draft resolution IX). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

Against:

Belarus, Russian Federation.

Abstaining:

Angola, Benin, Burkina Faso, Cambodia, Cameroon, China, Croatia, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, India, Kenya, Lao People's Democratic Republic, Mali, Mexico, Myanmar, Namibia, Rwanda, Saint Lucia, Singapore, Togo, Uganda, United Republic of Tanzania.

56. Before the adoption of the draft resolution, a statement was made by the representative of the Syrian Arab Republic and a statement in explanation of vote was made by the representative of Cuba; after the adoption of the draft resolution, a statement in explanation of vote was made by the representative of Croatia (see A/C.3/54/SR.56).

J. Draft resolution A/C.3/54/L.87/Rev.1

57. At the 52nd meeting, on 18 November, the representative of Canada introduced a draft resolution entitled "Situation of human rights in Rwanda" (A/C.3/54/L.87/Rev.1). Subsequently, Australia, Chile, Costa Rica, the Czech Republic, Iceland, Japan, New Zealand and the United States of America joined in sponsoring the draft resolution.

58. In introducing the draft resolution, the representative of Canada orally revised it as follows:

(a) Operative paragraph 8, which read

"*Expresses continuing concern* at the violations of human rights and international humanitarian law in Rwanda, including the general conditions of detention and the judicial process of those accused of genocide and crimes against

humanity, and urges the Government of Rwanda to continue to investigate and prosecute violations of human rights and international humanitarian law",

was replaced by the following text:

"*Notes* improvements in the human rights situation in Rwanda since the fifty-third session of the General Assembly, expresses concern at those violations of human rights that are reported, and urges the Government of Rwanda to continue to investigate and prosecute such violations";

(b) Operative paragraph 15, which read:

"*Encourages* the Government of Rwanda to guarantee all freedoms of expression and opinion, including the freedom of the press",

and operative paragraph 17, which read:

"*Welcomes* the policy announcement by the Government of Rwanda to demobilize all child soldiers, and urges the Government of Rwanda to fully implement this policy",

were deleted and the remaining paragraphs were renumbered accordingly;

(c) In operative paragraph 16 (former paragraph 18), the words "and the international community" were inserted after the words "encourages the Government of Rwanda", and the words "to address weakness in legislation" at the end of the paragraph were deleted;

(d) Operative paragraph 17 (former paragraph 19), which read:

"*Encourages* the Government of Rwanda to seek the cooperation of Governments, international organizations and non-governmental organizations to provide, within a mutually agreed framework of cooperation, the financial and technical support necessary for the reconstruction of a human rights infrastructure, including a strong civil society, in particular for the effective functioning of the National Human Rights Commission",

was revised to read:

"*Encourages* the United Nations High Commissioner for Human Rights, the Government of Rwanda, other Governments, international organizations and non-governmental organizations to provide, within a mutually agreed framework of cooperation, support for the reconstruction of a human rights infrastructure, including a strong civil society";

(e) Operative paragraph 23 (former paragraph 25), which read:

"*Urges* the Government of Rwanda to ensure that civil defence patrols in the north-western part of the country are properly controlled and held accountable for their actions"

was deleted and the remaining paragraphs were renumbered accordingly.

59. At the 54th meeting, on 19 November, the representative of Canada further orally revised the text by inserting, in operative paragraph 11, the word "international" before the word "community".

60. At the same meeting, the Committee adopted draft resolution A/C.3/54/L.87/Rev.1, as further orally revised, without a vote (see para. 62, draft resolution X).

61. Before the adoption of the draft resolution, statements were made by the representatives of Rwanda and Finland; after the adoption of the draft resolution, a statement was made by the representative of Rwanda (see A/C.3/54/SR.54).

III. Recommendations of the Third Committee

62. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Question of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949[3] and the Additional Protocols thereto, of 1977,[4]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[5] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[6] the Convention on the Rights of the Child[7] and the Geneva Convention relative to the Protection of Civilian Persons in Time of War,[8] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[9]

Recalling also all its relevant resolutions, as well as the resolutions and presidential statements of the Security Council, the decisions of the Economic and Social Council and the resolutions and decisions of the Commission on Human Rights,

Recalling further that the United Nations continues to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict, and encouraging all efforts at the national, regional and international levels aimed at finding a solution to the continuing conflict through a broad-based dialogue involving all concerned actors,

1. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan[10] and of the conclusions and recommendations contained therein;

2. *Strongly condemns* the mass killings and systematic human rights violations against civilians and prisoners of war, including in the areas of Mazar-e-Sharif and Bamyan,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[4] Ibid., vol. 1125, Nos. 17512 and 17513.
[5] Resolution 260 A (III).
[6] Resolution 39/46, annex.
[7] Resolution 44/25, annex.
[8] United Nations, *Treaty Series*, vol. 75, No. 973.
[9] Resolution 34/180, annex.
[10] A/54/422.

and notes with alarm the resumption by the Taliban of the wider conflict during the past summer, especially in the Shamali Valley, resulting in the massive, forced displacement of the civilian population, in particular of women and children;

3. *Condemns* the widespread violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement, the forced or compulsory recruitment of children for use in armed conflict and, in particular, the grave human rights violations against women and girls;

4. *Reiterates its condemnation* of the killings of Iranian diplomats and the correspondent of the Islamic Republic News Agency by the Taliban, which constituted flagrant violations of established international law, as well as of the attacks on and killing of United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfil their stated commitment to cooperate in urgent investigations of these heinous crimes with a view to bringing those responsible to justice;

5. *Notes with deep concern*:

(a) The persisting pattern of human rights violations in Afghanistan;

(b) The continuing and substantiated reports of human rights violations against women and girls, including all forms of discrimination against them, notably in areas under the control of the Taliban;

(c) The intensification of armed hostilities in Afghanistan and the complex nature of the conflict, including its ethnic, religious and political aspects, which have resulted in extensive human suffering and forced displacement, including on the grounds of ethnicity;

(d) The continued displacement of millions of Afghan refugees to the Islamic Republic of Iran, Pakistan and other countries;

(e) The lack of major reconstruction in Afghanistan;

6. *Also notes with deep concern* the sharp deterioration of the humanitarian situation in several areas of Afghanistan, in particular in the Shamali and Panshir valleys, and calls for the full implementation of the agreement on the security of United Nations personnel in Afghanistan;

7. *Urges* all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan, to refrain from interfering in its internal affairs and to end immediately the supply of arms, ammunition, military equipment, training or any other military support, including the provision of foreign military personnel, to all parties to the conflict;

8. *Urges* all the Afghan parties:

(a) To respect fully all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

(b) To cease hostilities immediately, to work and cooperate fully with the Special Envoy and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire, and to implement the Tashkent Declaration of 19 July 1999, thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and dignity and to the establishment of a broad-based, multi-ethnic, fully representative Government through the full exercise of the Afghan people of the right to self-determination;

(c) To reaffirm publicly their commitment to international human rights and principles and to recognize, protect and promote all human rights and fundamental freedoms;

(d) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to refrain from the wanton destruction of food crops and civilian property, in particular homes, to stop the laying of landmines, especially anti-personnel mines, to prohibit conscripting or enlisting children or using them to participate in hostilities in violation of international law and to ensure the disarmament, demobilization and social reintegration of children into society;

(e) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of international humanitarian law and to bring the perpetrators to trial;

(f) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention, including detention of civilian foreign nationals, and urges their captors to release them, as well as non-criminal civilian prisoners;

9. *Demands* that all the Afghan parties fulfil their obligations regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as their premises in Afghanistan, and to cooperate fully and without discrimination on grounds of gender, nationality or religion with the United Nations and associated bodies, and with other humanitarian organizations, agencies and non-governmental organizations;

10. *Urges* all the Afghan parties, in particular the Taliban, to bring to an end without delay all violations of human rights against women and girls and to take urgent measures to ensure:

(a) The repeal of all legislative and other measures that discriminate against women and girls and those which impede the realization of all their human rights;

(b) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(c) Respect for the right of women to work and their reintegration into employment;

(d) The right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(e) Respect for the right of women to security of person and that those responsible for physical attacks on women are brought to justice;

(f) Respect for the freedom of movement of women and their and effective and equal access to the facilities necessary to protect their right to the highest attainable standard of physical and mental health;

11. *Notes with appreciation* the visit of the Special Rapporteur on violence against women, its causes and consequences, and looks forward to her conclusions and recommendations;

12. *Also notes with appreciation* the activities carried out by the International Committee of the Red Cross throughout the territory of Afghanistan;

13. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to investigate fully reports of mass killings of prisoners of war and civilians, rape and cruel treatment in Afghanistan, and calls upon the

United Front and the Taliban to fulfil their stated commitment to cooperate with such investigations;

14. *Also invites* the Secretary-General and the United Nations High Commissioner for Human Rights to ensure that the ongoing process of deployment of the civilian affairs observers in Afghanistan is completed as soon as possible and that gender issues and rights of children are fully taken into account in their mission;

15. *Appeals* to all States, organizations and programmes of the United Nations system, specialized agencies and other international organizations to provide humanitarian assistance to all in need as soon as the situation on the ground permits and as part of an overall effort to achieve peace;

16. *Expresses its deep concern* at reports of attacks on and looting of cultural artifacts in Afghanistan, emphasizes that all parties share the responsibility to protect their common heritage, and requests all Member States to take appropriate measures to prevent the looting of cultural artifacts and to ensure their return to Afghanistan;

17. *Urges* all the Afghan parties to extend their cooperation to the Commission on Human Rights and its Special Rapporteur on the situation of human rights in Afghanistan and to all those special rapporteurs who are seeking invitations;

18. *Requests* the Secretary-General to give all necessary assistance to the Special Rapporteur;

19. *Decides* to keep the situation of human rights in Afghanistan under consideration at its fifty-fifth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

Draft resolution II
Human rights situation in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[11] the International Covenants on Human Rights,[12] and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling its previous resolutions on this subject, including the most recent, resolution 53/158 of 9 December 1998, and taking note of Commission on Human Rights resolution 1999/13 of 23 April 1999,[13]

[11] Resolution 217 A (III).

[12] Resolution 2200 A (XXI), annex.

[13] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

1. *Welcomes* the interim report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran;[14]

2. *Also welcomes* the stated commitment of the Government of the Islamic Republic of Iran to promote the rule of law, including the elimination of arbitrary arrest and detention, and to reform the legal and penitentiary system and bring it into line with international human rights standards in this field;

3. *Further welcomes* the continued public debate in the Islamic Republic of Iran on issues of governance and human rights, encourages further efforts to ensure freedom of opinion, of the press and of cultural activities, and also welcomes the support given by the Government to the development of non-governmental organizations;

4. *Welcomes* the progress in democracy achieved by the holding of local elections in the Islamic Republic of Iran in February 1999, trusts that the forthcoming elections to the Majlis will be held with full respect for due democratic process, and calls upon the Government to continue its efforts towards strengthening democracy and the holding of free and fair elections;

5. *Also welcomes* the needs assessment mission undertaken by the Office of the United Nations High Commissioner for Human Rights to the Islamic Republic of Iran at the invitation of the Government, as well as the invitation by the Government to the Working Group on Enforced or Involuntary Disappearances to visit the Islamic Republic of Iran, and expresses the hope that the visit will take place soon;

6. *Further welcomes* the efforts undertaken by the Government of the Islamic Republic of Iran to investigate the cases of disappearances and killings of intellectuals and political activists, and calls upon the Government of the Islamic Republic of Iran to continue its efforts to investigate fully the cases in due process of law and to bring the perpetrators to justice;

7. *Takes note with interest* of the gradual increase in the presence of women in public life in the Islamic Republic of Iran and the efforts made by the Government in this regard, expresses its concern at the continued discrimination in law and in practice against women, and calls upon the Government to take further measures to ensure the full and equal enjoyment by women of their human rights;

8. *Also takes note with interest* of the focus of the Islamic Human Rights Commission on the human rights situation in the Islamic Republic of Iran, and expresses its hope that the Commission will align itself with the 1993 principles relating to the status of national institutions for the promotion and protection of human rights;[15]

9. *Expresses its concern* at continuing threats by the 15 Khordad Foundation to the life of Salman Rushdie, including the increase in the bounty announced by the Foundation after the assurance given by the Government of the Islamic Republic of Iran in New York in September 1998, and welcomes the assurance given by the Government that it has no intention of taking any action whatsoever to threaten the life of Mr. Rushdie and those associated with his work or of encouraging or assisting anyone to do so, and that it dissociates itself from any reward offered in this regard and does not support it;

10. *Also expresses its concern* that, since 1996, no invitation has been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the

[14] A/54/365.

[15] Resolution 48/134, annex.

country, and calls upon the Government to resume its full cooperation with the Special Representative and to extend an invitation to him to visit the country;

11. *Expresses its serious concern* at the continuing violations of human rights in the Islamic Republic of Iran, as reported by the Special Representative, in particular executions in the apparent absence of respect for internationally recognized safeguards, the use of national security laws as a basis for derogating from the rights of the individual, cases of torture and cruel, inhuman or degrading treatment or punishment as well as the failure to meet international standards in the administration of justice and the absence of due process of law, and calls upon the Government of the Islamic Republic of Iran to take all necessary steps to end the use of torture and the practice of amputation, stoning and other forms of cruel, inhuman and degrading punishment;

12. *Expresses its concern* at the restrictions on freedom of expression, opinion, thought and the press and at the interference with the work of writers and journalists and the closure of publications, as well as at the circumstances surrounding the arrests of individuals based on involvement in student demonstrations and at reports that some of them may be subject to death sentences, or other harsh sentences, and calls upon the Government of the Islamic Republic of Iran to take further measures to secure freedom of expression, opinion, thought and the press;

13. *Also expresses its concern* at the discrimination against religious minorities, in particular Baha'is, and remains gravely concerned at the unabated pattern of persecution against the Baha'is, including death sentences, arrests and the closure of the Baha'i Institute of Higher Education, and calls upon the Government of the Islamic Republic of Iran to implement fully the conclusions and recommendations of the Special Rapporteur of the Commission on Human Rights on religious intolerance relating to the Baha'is and other religious minorities until they are completely emancipated;

14. *Calls upon* the authorities of the Islamic Republic of Iran to make further efforts to ensure for all the application of due process of law by the judiciary in all instances and, in this context, to ensure a fair and transparent trial for the group of people detained early in 1999, which includes 13 members of the Iranian Jewish community, and notes the stated commitments of the Government of Iran in this regard;

15. *Also calls upon* the Government of the Islamic Republic of Iran to continue its efforts and to abide by its freely undertaken obligations under the International Covenants on Human Rights and other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including persons belonging to religious minorities, enjoy the rights enshrined in those instruments;

16. *Further calls upon* the Government of the Islamic Republic of Iran to ensure that capital punishment will not be imposed for crimes other than the most serious, for apostasy or otherwise in disregard of the provisions of the International Covenant on Civil and Political Rights[12] and United Nations safeguards, and to provide the Special Representative with relevant statistics on this matter;

17. *Decides* to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, at its fifty-fifth session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

Draft resolution III
Human rights situation in Iraq

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[16] the International Covenants on Human Rights,[17] and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949 for the protection of victims of war,[18]

Recalling its previous resolutions and those of the Commission on Human Rights on the subject, and taking note of the most recent, Commission on Human Rights resolution 1999/14 of 23 April 1999,

Recalling also Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention, Council resolutions 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected, and Council resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999 and 1266 (1999) of 4 October 1999, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies,

Taking note of the concluding observations of the Human Rights Committee,[19] the Committee on the Elimination of Racial Discrimination,[20] the Committee on Economic, Social and Cultural Rights[21] and the Committee on the Rights of the Child[22] on the recent reports submitted to them by Iraq, in which these treaty monitoring bodies point to a wide range of human rights problems and hold the view that the Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, including children,

[16] Resolution 217 A (III).
[17] Resolution 2200 A (XXI), annex.
[18] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[19] CCPR/79/Add.84.
[20] CERD/C/55/CRP.1/Add.10.
[21] E/C.12/1/Add.17.
[22] CRC/C/15/Add.94.

Taking note of the reports of the Secretary-General concerning the implementation of Security Council resolutions 986 (1995),[23] 1111 (1997),[24] 1143 (1997),[25] 1153 (1998),[26] 1210 (1998),[27] 1242 (1999)[28] and, in particular, his report of 19 August 1999 concerning the implementation of Council resolution 1242 (1999),[29]

Reaffirming that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms, concerned about the dire humanitarian situation in Iraq, which particularly affects certain vulnerable groups, such as children, as, *inter alia*, stated in the reports of several United Nations human rights treaty bodies, and appealing to all concerned to fulfil their mutual obligations in the management of the humanitarian programme established by the Security Council in its resolution 986 (1995),

1. *Welcomes* the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[30] and the observations, conclusions and recommendations contained therein, and notes with dismay that there has been no improvement in the situation of human rights in the country;

2. *Strongly condemns*:

(a) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) The suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment, executions and other sanctions;

(c) The widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[17] and the United Nations safeguards;

(d) Summary and arbitrary executions, including political killings and the continued, so-called clean-out of prisons, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, and consistent and routine failure to respect due process and the rule of law, for example, in the execution of delinquents for minor property offences and customs violations;

(e) Widespread, systematic torture and the enactment and implementation of decrees prescribing cruel and inhuman punishment as a penalty for offences;

3. *Calls upon* the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and to respect and ensure the rights of all

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[23] See *Official Records of the Security Council, Fifty-first Year, Supplement for October, November and December 1996*, document S/1996/1015.

[24] Ibid., *Fifty-second Year, Supplement for October, November and December 1997*, document S/1997/935.

[25] Ibid., *Fifty-third Year, Supplement for January, February and March 1998*, documents S/1998/90 and S/1998/194; and ibid., *Supplement for April, May and June 1998*, document S/1998/477.

[26] S/1998/823 and S/1998/1100.

[27] S/1999/187 and S/1999/573 and Corr.2.

[28] S/1999/896 and Corr.1 and S/1999/1162 and Corr.1.

[29] S/1999/896 and Corr.1

[30] A/54/466.

individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(c) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To establish independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of authority of the State;

(g) To respect the rights of all ethnic and religious groups and to cease immediately its repressive practices aimed at the Iraqi Kurds, Assyrians and Turkmen, in particular their deportation from the regions of Kirkouk and Khanakin, and at the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and to ensure the personal integrity and freedom, including the full freedom of belief, of the Shi'a and their religious establishment;

(h) To cooperate with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose, and to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in its resolution 692 (1991) of 20 May 1991, and to release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(i) To cooperate fully with international aid agencies and non-governmental organizations in providing humanitarian assistance and monitoring in the northern and southern areas of the country;

(j) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998), 1210 (1998), 1242 (1999) and 1266 (1999) so as to ensure fully the equitable distribution, without discrimination, to the Iraqi population, including members of the population in remote areas, of the humanitarian supplies purchased under the oil for food programme and to continue to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

(k) To cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

4. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate; and decides to continue the examination of the situation of human rights in Iraq at its fifty-fifth session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

Draft resolution IV
Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[31] the International Covenants on Human Rights[32] and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights,[32] the International Covenant on Economic, Social and Cultural Rights,[32] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[33] the Geneva Conventions of 12 August 1949 for the protection of victims of war,[34] the International Convention on the Elimination of All Forms of Racial Discrimination,[35] and the Convention on the Rights of the Child,[36] as well as to the African Charter on Human and Peoples' Rights,[37]

Recalling its previous resolutions on this subject, including the most recent, resolution 53/160 of 9 December 1998, taking note of Commission on Human Rights resolution 1999/56 of 27 April 1999,[38] as well as Security Council resolution 1234 (1999) of 9 April 1999, and mindful of Security Council resolutions 1258 (1999) of 6 August 1999 and 1273 (1999) of 5 November 1999,

Recognizing that the promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the necessary environment for cooperation among States in the region,

Taking into account the regional dimension of the human rights issues in the Great Lakes region, while underlining the primary responsibility of States for the promotion and protection of human rights, and stressing the importance of technical cooperation with a view to strengthening regional cooperation for the promotion and protection of human rights,

Recalling the decision of the Commission on Human Rights to request the special rapporteurs of the Commission on Human Rights on the situation of human rights in the

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[31] Resolution 217 A (III).

[32] Resolution 2200 A (XXI), annex.

[33] Resolution 39/46, annex.

[34] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[35] Resolution 2106 A (XX), annex.

[36] Resolution 44/25, annex.

[37] United Nations, *Treaty Series*, vol. 1520, No. 26363.

[38] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to the Democratic Republic of the Congo,[38]

Noting the stated intention of the Government of the Democratic Republic of the Congo progressively to abolish the death penalty and, with that in view, encouraging the Government to fulfil its commitment to reform and restore the judicial system in conformity with the provisions of the International Covenant on Civil and Political Rights,

1. *Welcomes*:

(a) The report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;[39]

(b) The two visits in February and August/September 1999 of the Special Rapporteur to the Democratic Republic of the Congo at the invitation of the Government and the cooperation of the Government in this regard;

(c) The activities of the human rights field office in the Democratic Republic of the Congo, while encouraging the Government of the Democratic Republic of the Congo to work closely and to further strengthen its cooperation with the field office;

(d) The Lusaka Ceasefire Agreement of which was signed by all parties involved in the conflict in the Democratic Republic of the Congo;[40]

(e) The appointment by the Secretary-General of a special envoy for the peace process for the Democratic Republic of the Congo;

(f) The appointment by the Secretary-General of a special representative for the Democratic Republic of the Congo;

(g) The appointment of the Minister of Human Rights within the Government of the Democratic Republic of the Congo, and expresses the hope that this appointment will contribute to an improvement of the situation of human rights;

(h) The commitment by the Government of the Democratic Republic of the Congo to cooperate with United Nations agencies and non-governmental organizations in ensuring the demobilization, rehabilitation and reintegration of child soldiers, and encourages the Government of the Democratic Republic of the Congo to implement fully its commitment;

2. *Expresses its concern*:

(a) At the adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo;

(b) At the preoccupying situation of human rights in the Democratic Republic of the Congo, in particular in the eastern parts of the country, and the continuing violations of human rights and international humanitarian law committed throughout the territory of the Democratic Republic of the Congo, often with impunity, and, with that in view, condemns:

(i) The perpetration of massacres, in the course of the conflicts, including, more recently, in 1998 and 1999, those in Kasika, Makobola, Kamituga, Kavumu, Kilungutwe, Kasanga, Kazima, Mboko, Kabare, Mwenga, Libenge and Kasala;

[39] A/54/361 and Corr.1.
[40] S/1999/815.

(ii) The occurrence of cases of summary or arbitrary execution, disappearance, torture, beating, harassment, arbitrary arrest and detention without trial, including of journalists, opposition politicians, human rights defenders and people who have cooperated with the United Nations mechanisms, and reports of sexual violence against women and children and the continuing recruitment and use of child soldiers;

(iii) The trial of civilians and the imposition of the death penalty by the Military Court;

(c) At the excessive accumulation and spread of small arms and light weapons and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;

3. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To work for the full and timely implementation of the provisions of the Lusaka Ceasefire Agreement and to re-establish the authority of the Government of the Democratic Republic of the Congo throughout its territory, stressing, in the context of a lasting peaceful settlement, the need for the engagement of all Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and the holding of democratic, free, transparent and fair elections;

(b) To protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 12 August 1949 for the protection of victims of war,[34] the Additional Protocols thereto, of 1977, [41] and the Convention on the Prevention and Punishment of the Crime of Genocide,[42] especially with regard to respect for the rights of women and children, and to ensure the safety of all civilians, including refugees and internally displaced persons within the territory of that country regardless of their origin;

(c) To ensure the safety, security and freedom of movement of United Nations and associated personnel within the Democratic Republic of the Congo and, in this regard, to ensure safe and unhindered access of humanitarian personnel to all affected populations;

(d) To bring an end to all violations of human rights and to ensure that there is no impunity for human rights violators;

(e) To cooperate fully with the National Commission of Inquiry on the alleged massacres of a large number of refugees and displaced persons in the Democratic Republic of the Congo, and also with the Secretary-General and the United Nations High Commissioner for Human Rights in addressing these allegations, with a view to the submission of a further report by the National Commission of Inquiry to the Secretary-General on the progress of its investigations into this question;

4. *Calls upon* the Government of the Democratic Republic of the Congo:

(a) To comply with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms throughout its entire territory;

(b) To take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and across its borders;

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[41] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[42] Resolution 260 A (III).

(c) To uphold its commitment to reform and restore the judicial system and in particular to reform military justice in conformity with the provisions of the International Covenant on Civil and Political Rights, and encourages provisional assistance to this end;

(d) To implement fully its commitment to the democratization process, in particular the national dialogue, as set out in the Lusaka Ceasefire Agreement, and to create, in this context, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of all people of the country;

(e) To fulfil its responsibility to ensure that those responsible for human rights violations are brought to justice;

(f) To remove the remaining administrative restrictions on the activities of political parties and to prepare for the holding of democratic, free, transparent and fair elections;

(g) To promote human rights awareness, *inter alia*, by strengthening cooperation with civil society, including all human rights organizations and to remove the restrictions that still affect the work of non-governmental organizations;

(h) To ensure full respect for freedom of opinion and expression, including freedom of the press in all types of mass media, as well as freedom of association and assembly;

(i) To cooperate fully with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

5. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the Special Rapporteur to report to the General Assembly at its fifty-fifth session.

Draft resolution V
Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,[43] the International Covenants on Human Rights[44] and other applicable human rights instruments,

Aware that, in accordance with its Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government, and therefore expressing its grave concern that the Government of Myanmar has still not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

[43] Resolution 217 A (III).
[44] Resolution 2200 A (XXI), annex.

Recalling its resolution 53/162 of 9 December 1998,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992,[45] in which the Commission, *inter alia*, decided to nominate a special rapporteur with a given mandate, and Commission resolution 1999/17 of 23 April 1999,[46] in which the Commission decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all major violations of human rights in Myanmar,

Gravely concerned at the continuing and intensified repression of civil and political rights in Myanmar, as reported by the Special Rapporteur,

Deeply regretting the failure of the Government of Myanmar to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur, while noting the recent increased contacts between the Government of Myanmar and the international community,

Noting that the Government of Myanmar, as a State party to the Convention on the Elimination of All Forms of Discrimination against Women, has submitted its initial report to the Committee on the Elimination of Discrimination against Women for its consideration,

1. *Expresses its appreciation* to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report,[47] and calls upon the Government of Myanmar to implement fully the recommendations made by the Special Rapporteur;

2. *Urges* the Government of Myanmar to cooperate fully and without further delay with the Special Rapporteur, and to allow him, without preconditions, to conduct a field mission and to establish direct contacts with the Government and all other relevant sectors of society, thus enabling him fully to discharge his mandate, and, in this context, notes with interest that the Government has expressed its willingness to give serious consideration to a visit by the Special Rapporteur;

3. *Welcomes* the resumption of cooperation with the International Committee of the Red Cross, allowing the Committee to communicate with and visit prisoners in accordance with its standard working rules, and encourages continued cooperation in that regard;

4. *Expresses its appreciation* to the Secretary-General for his report,[48] and notes with deep concern his conclusion that he is unable to report concrete progress, with the exception of the visit by the International Committee of the Red Cross, on issues that the international community has raised time and again in successive resolutions of the General Assembly and the Commission on Human Rights;

5. *Deplores* the continuing violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, mass arrests, forced labour, including the use of children, forced

[45] *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

[46] Ibid., *1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[47] A/54/440.

[48] A/54/499.

relocation, and denial of freedom of assembly, association, expression and movement, as reported by the Special Rapporteur;

6. *Expresses its grave concern* at the increased repression of any form of public political activity, the arbitrary detention and arrest of those exercising their rights to freedom of thought, expression, assembly and association, as well as the harassment of their families;

7. *Strongly urges* the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

8. *Expresses its grave concern* at the escalation in the persecution of the democratic opposition, notably over the past year, in particular members and supporters of the National League for Democracy, at the harsh long-term prison sentences imposed and the use by the Government of intimidatory measures against elected representatives and members of the National League for Democracy, which forced them to resign from their positions and to dissolve their party offices;

9. *Expresses its concern* that the composition and working procedures of the National Convention do not permit either members of Parliament-elect or representatives of the ethnic minorities to express their views freely, and urges the Government of Myanmar to seek new and constructive means to promote national reconciliation;

10. *Strongly urges* the Government of Myanmar, taking into account the assurances it has given on various occasions, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end and without delay, to engage in a substantive political dialogue with political leaders, including Aung San Suu Kyi, and representatives of ethnic groups and, in this context, notes the existence of the Committee representing the People's Parliament;

11. *Notes with grave concern* that the Government of Myanmar has failed to review its legislation, to cease to inflict the practice of forced labour on its people and to punish those exacting forced labour, which has forced the International Labour Conference to exclude further cooperation with the Government until such time as it has implemented the recommendations of the Commission of Inquiry;

12. *Strongly urges* the Government of Myanmar to cease the widespread and systematic use of forced labour, and to implement the recommendations of the Commission of Inquiry of the International Labour Organization regarding the implementation of the Forced Labour Convention, 1930 (No. 29) of the International Labour Organization, while noting the order by the Government of Myanmar issued in May 1999 directing that the power to requisition forced labour under the Towns Act and the Village Act not be exercised, as well as the invitation to visit, addressed to the International Labour Organization in October 1999;

13. *Deplores* the continued violations of human rights, in particular those directed against persons belonging to ethnic and religious minorities, including summary executions, rape, torture, forced labour, forced portering, forced relocations, destruction of crops and fields, and dispossession of land and property, which deprives these persons of all means of subsistence;

14. *Also deplores* the continuing violations of the human rights of women, especially women who are refugees, are internally displaced or belong to ethnic minorities or the political opposition, in particular forced labour, sexual violence and exploitation, including rape, as reported by the Special Rapporteur;

15. *Strongly urges* the Government of Myanmar to ensure full respect for all human rights and fundamental freedoms, including economic and social rights, and to fulfil its obligation to end the impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

16. *Urges* the Government of Myanmar to end the enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in conditions of safety and dignity;

17. *Notes with interest* the recent visit to Myanmar by the envoy of the Secretary-General for the purpose of holding discussions with the Government and with political leaders, including Aung San Suu Kyi and representatives of some ethnic minority groups, and calls upon the Government of Myanmar to enter into a constructive dialogue with the Secretary-General in order to make better use of his good offices;

18. *Requests* the Secretary-General to continue his discussions on the situation of human rights and the restoration of democracy with the Government of Myanmar, to submit additional reports to the General Assembly during its fifty-fourth session on the progress of these discussions, and to report to the Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-sixth session on the progress made in the implementation of the present resolution;

19. *Decides* to continue its consideration of this question at its fifty-fifth session.

Draft resolution VI
Situation of human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights,[49] the International Covenants on Human Rights[50] and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[51]

Recalling its resolution 53/159 of 9 December 1998, and taking note of Commission on Human Rights resolution 1999/77 of 28 April 1999,[52]

Recognizing the interdependence and mutual reinforcement between democracy, development and respect of human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

Taking note with appreciation of the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti, Adama Dieng,[53] and encouraging active follow-up to the recommendations contained therein,

Recognizing the important contributions of the International Civilian Mission in Haiti, the United Nations Civilian Police Mission in Haiti and the National Commission for Truth

[49] Resolution 217 A (III).
[50] Resolution 2200 A (XXI), annex.
[51] Resolution 34/180, annex.
[52] *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.
[53] A/54/366.

and Justice to the task of restoring and strengthening democracy in Haiti and of establishing a climate of freedom and tolerance conducive to respect for human rights,

Commending the Organization of American States for its contribution to the International Civilian Mission in Haiti and inviting the Organization to pursue, as appropriate, its cooperation with the United Nations in Haiti,

Welcoming the establishment of the new Provisional Electoral Council and the decision taken to organize legislative and local elections on 19 March 2000 and in April 2000 as a step towards re-establishing a functional legislature,

Welcoming also the continued improvements in the human rights situation in Haiti since the restoration of its democratic regime, and noting the declared commitment of the Government of Haiti to uphold human rights,

Expressing its concern at the security problems faced by Haitian society, some of which are to the difficult social and economic conditions and which both account for and result from the limitations of the judicial and police systems, as indicated in the report of the independent expert,

Welcoming Economic and Social Council resolution 1999/11 of 27 July 1999, in which the Council, *inter alia*, emphasized the need to establish the necessary mechanisms to develop, on a priority basis, a long-term strategy and programme of support for Haiti,

1. *Expresses its gratitude* to the Secretary-General, his Special Representative for Haiti and the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic institutions in Haiti and respect for human rights;

2. *Commends* the United Nations Civilian Police Mission in Haiti for its successful training and mentoring assistance to the Haitian National Police, as well as the efforts of the International Civilian Mission in Haiti in monitoring human rights and promoting democratic reform and assisting the Haitian authorities in the area of institution-building;

3. *Draws attention* to the need for the Haitian National Police to continue receiving technical assistance to enable it to perform its functions efficiently within a framework of respect for human rights;

4. *Commends* the United Nations Development Programme for its technical assistance to the Haitian National Police and the penitentiary system as well as in the organization of the forthcoming electoral process, and also commends the international community for the provision of other assistance, including that for judicial reform, and invites them to continue to provide appropriate assistance;

5. *Invites* the Government of Haiti to ratify the International Covenant on Economic, Social and Cultural Rights,[50] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[54] and the Optional Protocols to the International Covenant on Civil and Political Rights;[55]

6. *Strongly supports* the efforts made to enable the people of Haiti to express their political will in the forthcoming legislative and local elections, invites all the political leaders of the country to involve themselves in a constructive dialogue, and in this connection, invites the Government of Haiti to ensure the necessary political and security

[54] Resolution 39/46, annex.

[55] See resolutions 2200 A (XXI), annex and 44/128, annex.

environment for the holding of free and fair elections in accordance with the schedule recently announced by the Provisional Electoral Council;

7. *Calls upon* the Government of Haiti to continue structural reforms in the police and the judicial system and the improvement of the prison sector, to investigate properly politically motivated crimes and prosecute perpetrators of such crimes in accordance with Haitian law, to take vigorous action to eliminate any continuing human rights violations, including illegal arrests and detentions, and to ensure due process within a reasonable time;

8. *Reaffirms* the importance, for combating impunity and for the realization of a genuine and effective process of transition and national reconciliation, of the investigations undertaken by the National Commission for Truth and Justice, and once again calls upon the Government of Haiti to institute legal proceedings against the perpetrators of human rights violations identified by the National Commission for Truth and Justice and to create effective facilities for providing support to the victims, in particular women, children and members of their families, and in this specific context reiterates the recommendations contained in the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti;[53]

9. *Welcomes* the initiative of the Government of Haiti, in collaboration with the international community and women's groups, to put in place measures to address the human rights of women and, *inter alia*, violence against women, including the development of training programmes for judicial and legal personnel and the incorporation of the precept of the human rights of women at all levels of the educational system;

10. *Encourages* the Government of Haiti to further promote the rights of children, in particular their right to education;

11. *Invites* the Secretary-General and the Government of Haiti to contribute to the strengthening of the Office of Protection of the Citizen through the establishment of a programme of technical cooperation, in close collaboration with the United Nations High Commissioner for Human Rights, and invites the international community to assist in this effort;

12. *Decides* to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-fifth session.

Draft resolution VII
Situation of human rights in the Sudan

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[56] the International Covenants on Human Rights[57] and other applicable human rights instruments, and to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is party to the International Covenant on Civil and Political Rights,[57] the International Covenant on Economic, Social and Cultural Rights,[57] the

[56] Resolution 217 A (III).

[57] Resolution 2200 A (XXI), annex.

Convention on the Rights of the Child,[58] the African Charter on Human and Peoples' Rights[59] and the Geneva Conventions of 12 August 1949,[60]

Recalling its previous resolutions on the human rights situation in the Sudan and taking note of Commission on Human Rights resolution 1999/15 of 23 April 1999,[61]

Aware of the urgent need to implement effective measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflicts,

Welcoming the Peace Agreement of 1997, the acceptance of the Declaration of Principles as a basis for negotiations, the declaration by the Government of the Sudan of a comprehensive ceasefire on 5 April 1999 and the decision made by the Sudanese People's Liberation Army to extend the ceasefire in the Bahr-el-Ghazal region in southern Sudan for a further three months, while at the same time deeply concerned at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudanese People's Liberation Movement/Army on the situation of human rights and at the disregard by all parties to the conflict of relevant rules of international humanitarian law,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the peace initiative of the Intergovernmental Authority on Development will greatly contribute to the creation of a better environment to encourage respect for human rights in the Sudan,

Condemning the murder of four Sudanese relief workers in April 1999 while in the custody of the Sudanese People's Liberation Army,

1. *Welcomes:*

(a) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan;[62]

(b) The visit by the Special Rapporteur to the Sudan in February 1999 at the invitation of the Government and the excellent cooperation extended by the Government in this regard, as well as the stated willingness of the Government to continue to cooperate with the Special Rapporteur and the invitation extended to the Special Rapporteur;

(c) The visit of the Special Representative of the Secretary-General for Children and Armed Conflict to the Sudan in March 1999 and the cooperation extended by the Government of the Sudan in this regard;

(d) The cooperation extended by the Government of the Sudan to the needs assessment mission of the Office of the United Nations High Commissioner for Human Rights from 14 to 26 September 1999;

(e) The fact-finding mission by the Special Rapporteur on freedom of opinion and expression in September 1999, pursuant to the invitation extended by the Government of the Sudan;

(f) The cooperation by the Government of the Sudan and the Sudanese People's Liberation Movement/Army that was extended to the humanitarian needs assessment mission

[58] Resolution 44/25, annex.
[59] United Nations, *Treaty Series*, vol. 1520, No. 26363.
[60] Ibid., vol. 75, Nos. 970-973.
[61] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.
[62] See A/54/467.

of the Office for the Coordination of Humanitarian Affairs, the United Nations Children's Fund and the World Food Programme to the Nuba Mountains from 21 to 24 June 1999;

(g) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law, and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of people of the Sudan;

(h) The stipulation of basic human rights and freedoms in the Constitution of the Sudan, which entered into force on 1 July 1998;

(i) The establishment of the Constitutional Court, which has been in operation since April 1999;

(j) The creation of the Committee for the Eradication of Abduction of Women and Children as a constructive response on the part of the Government of the Sudan and the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(k) The efforts to implement the right to education;

(l) The commitments made by the Government of the Sudan to the Special Representative of the Secretary-General for Children and Armed Conflict, in particular the commitment not to use or recruit children under the age of 18 as soldiers;

(m) The efforts to address the problem of internally displaced persons;

2. *Expresses its deep concern*:

(a) At the impact of the current armed conflict on the situation of human rights and its adverse effect on the civilian population, in particular women and children, and continuing serious violations of human rights and international humanitarian law by all parties, in particular:

(i) At the occurrence of cases of extrajudicial, summary or arbitrary execution resulting from conflict between armed insurgent groups, including the Sudanese People's Liberation Army and members of the armed forces and their allies;

(ii) At the occurrence, within the framework of the conflict in southern Sudan, of cases of enforced or involuntary disappearance, the use of children as soldiers and combatants, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians;

(iii) At the abduction of women and children to be subjected to forced labour or similar conditions;

(iv) At the use of weapons, including landmines, against the civilian population;

(b) At violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) At the widespread use of torture and arbitrary detention affecting, *inter alia,* human rights defenders, journalists and political opponents, as well as at the lack of due process of law and acts of intimidation and harassment of the population, in particular by the security organs;

(ii) At cases of restriction on freedom of religion and peaceful assembly;

3. *Urges* all parties to the continuing conflict in the Sudan:

(a) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and

reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(b) To stop immediately the use of weapons, including landmines, against the civilian population, which runs counter to principles of humanitarian law, and urges in particular the Sudanese People's Liberation Army to stop immediately using civilian premises for military purposes;

(c) To grant safe and unhindered access to international agencies and humanitarian organizations in order to facilitate by all means possible the delivery of humanitarian assistance to all civilians in need of protection and assistance, in particular in Bahr-el-Ghazal, the Nuba Mountains and the Western Upper Nile, and to continue to cooperate in this regard with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan in the delivery of such assistance;

(d) To continue to cooperate with the peace efforts of the Intergovernmental Authority on Development;

(e) Not to use or recruit children under the age of 18 as soldiers, and urges the Sudanese People's Liberation Army to undertake a commitment similar to that made by the Government of the Sudan to the Special Representative of the Secretary-General for Children and Armed Conflict in this regard and to refrain from the practice of forced conscription;

(f) To fulfil their commitments concerning the protection of war-affected children, such as to cease the use of anti-personnel landmines, the abduction and exploitation of children and the recruitment of children as soldiers, to advance the demobilization and reintegration of child soldiers and to ensure access to displaced and unaccompanied minors;

(g) To allow for an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999 while accompanying a team from the International Committee of the Red Cross on a humanitarian mission and subsequently killed while under the custody of the Sudanese People's Liberation Movement/Army, and urges the Sudanese People's Liberation Movement/Army to return the bodies to their families;

4. *Calls upon* the Government of the Sudan:

(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To continue its efforts to ensure the rule of law by bringing legislation into line with the Constitution and the practice of law enforcement more into line with legislation;

(c) To continue its efforts to bring its national legislation into conformity with the applicable international human rights instruments to which the Sudan is a party and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(d) To take all effective measures to end and to prevent all acts of torture and cruel, inhuman or degrading treatment, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, and to investigate all reported acts of torture brought to its attention;

(e) To ensure full respect for freedom of expression, opinion, thought, conscience and religion, as well as freedom of association and assembly;

(f) To continue to investigate reports of the abduction of women and children taking place in the framework of the conflict in southern Sudan, to bring to trial any persons

suspected of supporting or participating in such activities, to facilitate the safe return of affected children to their families as a matter of priority, and to take further measures, in particular through the Committee for the Eradication of Abduction of Women and Children;

(g) To stop immediately the indiscriminate aerial bombardment of civilian and humanitarian targets, which runs counter to fundamental principles of human rights and humanitarian law;

(h) To make further efforts to address the problem of internally displaced persons;

(i) To continue implementing its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(j) To continue efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of 18 as soldiers;

(k) To implement the United Nations Standard Minimum Rules for the Treatment of Prisoners[63] and to give special consideration to imprisoned women and juveniles;

5. *Encourages* the Government of the Sudan to continue to pursue its dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to establishing a permanent representation of the High Commissioner;

6. *Also encourages* the Office of the United Nations High Commissioner for Human Rights to continue to take into consideration requests for assistance by the Government of the Sudan, *inter alia*, with a view to establishing a permanent representation of the High Commissioner as a matter of priority;

7. *Calls upon* the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law during the conflict;

8. *Decides* to continue its consideration of the situation of human rights in the Sudan at its fifty-fifth session under the item entitled "Human rights questions", in the light of further elements provided by the Commission on Human Rights.

Draft resolution VIII
Situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[64] the International Covenants on Human Rights[65] and other human rights instruments,

Taking note of Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, 1239 (1999) of 14 May 1999 and 1244 (1999) of 10 June 1999, and the general principles annexed thereto, as well

[63] See *Human Rights: A Compilation of International Instruments* (United Nations publication, Sales No. E.88.XIV.1).

[64] Resolution 217 A (III).

[65] Resolution 2200 A (XXI), annex.

as the statement made on 24 March 1998 by the Chairman of the Commission on Human Rights at the fifty-fourth session of the Commission,[66] Commission on Human Rights resolutions 1998/79 of 22 April 1998[67] and 1999/2 of 13 April 1999[68] and the report of the United Nations High Commissioner for Human Rights to the Bureau of the Commission on Human Rights on the situation of human rights in Kosovo of 7 September 1999,

Recalling, against the background of years of repression, intolerance and violence in Kosovo, the challenge to build a multi-ethnic society on the basis of substantial autonomy, respecting the sovereign and territorial integrity of the Federal Republic of Yugoslavia (Serbia and Montenegro), pending final settlement in accordance with Security Council resolution 1244 (1999) of 10 June 1999,

Taking fully into account the regional dimensions of the crisis in Kosovo, in particular with regard to the human rights and humanitarian situation and the continuing problems in that regard, and noting that the return of refugees to their homes has contributed to the easing of this crisis,

Taking note with concern of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),[69] which describes the persistent and grave violations and abuses of human rights and international humanitarian law in Kosovo,

Condemning the grave violations of human rights in Kosovo that affected ethnic Albanians prior to the arrival of personnel of the United Nations Interim Administration Mission in Kosovo and troops of the international security presence, the Kosovo Force, as demonstrated in the many reports of torture, indiscriminate and widespread shelling, mass forced displacement of civilians, summary executions and illegal detention of ethnic Albanians in Kosovo by the Yugoslav police and military,

Deeply concerned, in spite of the efforts of the United Nations Interim Administration Mission in Kosovo and the Kosovo Force, about the frequent instances of harassment, periodic kidnapping and murder of ethnic Serb, Roma and other minorities of Kosovo by ethnic Albanian extremists,

Expressing concern that the entire population of Kosovo has been affected by the conflict, and stressing that each of the national minorities there must benefit from their full and equal rights,

Stressing, in this context, the importance of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Distressed by the lack of due process in the trials in Serbia of the ethnic Albanians who have been detained, charged or brought to trial in relation to the crisis in Kosovo in violation of international human rights standards,

Stressing the urgent need to implement effective measures to stop trafficking in women and children,

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[66] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. III, sect. E, para. 28.

[67] Ibid., chap. II, sect. A.

[68] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[69] A/54/396-S/1999/1000 and A/54/396/Add.1-S/1999/1000/Add.1.

1. *Underlines* the obligation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to abide by the terms of Security Council resolution 1244 (1999) and the general principles on the political solution to the Kosovo crisis adopted on 6 May 1999;[70]

2. *Reaffirms* that the human rights and humanitarian crisis in Kosovo shall be addressed within the framework of a political solution based upon the general principles set out in Security Council resolution 1244 (1999);

3. *Welcomes* the establishment of the United Nations Interim Administration Mission in Kosovo and the Kosovo Force, and calls upon all parties in Kosovo and the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate fully with the Interim Administration Mission and the Kosovo Force in the fulfilment of their respective mandates;

4. *Also welcomes* the work of the Office of the United Nations High Commissioner for Human Rights in Kosovo, the Office of the United Nations High Commissioner for Refugees and the efforts of the Organization for Security and Cooperation in Europe;

5. *Calls upon* all parties in Kosovo to cooperate with the Interim Administration Mission in ensuring full respect for all human rights and fundamental freedoms and democratic norms in Kosovo;

6. *Also calls upon* all authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), the local Serb leaders in Kosovo and the leaders of the Albanian community in Kosovo to condemn all acts of terrorism, sequestration or kidnapping, forced eviction from homes or places of work of any resident of Kosovo, whatever the victim's ethnic background and whoever the perpetrators, to refrain from all acts of violence and to use their influence and leadership to cooperate with the Kosovo Force and the Interim Administration Mission in stopping these incidents and in bringing the perpetrators to justice;

7. *Expresses its concern* about the forced division of any part of Kosovo into ethnic cantons or ethnically based divisions of any type, which is counter to Security Council resolution 1244 (1999) and to the guiding principles of Rambouillet,[71] and stresses the need for all parties in Kosovo to take all necessary measures to stop or reverse any action that de facto or *de jure* permits such ethnic cantonization;

8. *Calls upon* all parties, in particular the authorities and representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Kosovar Serb and Albanian leaderships, to cooperate with the mine action coordination centre;

9. *Demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) provide an updated list of all persons detained and transferred from Kosovo to other parts of the Federal Republic of Yugoslavia (Serbia and Montenegro), specifying the charge, if any, under which each individual is detained, and that it guarantee their families and non-governmental organizations and international observers unimpeded and regular access to those who remain in detention and release all individuals detained and transferred from Kosovo prior to July 1999 in violation of international humanitarian and human rights standards;

[70] Security Council resolution 1244 (1999), annex 1.

[71] See S/1999/648, annex.

10. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to open to public observation trials or criminal prosecutions against all those charged in relation to the conflict in Kosovo;

11. *Also calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and ethnic Kosovar Serb and Albanian representatives to allow for and facilitate the free and unhindered return to their homes, in safety and with dignity, of all displaced persons and refugees, of whichever ethnic background, and expresses its concern about reports of continuing harassment or other impediments in this regard;

12. *Further calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to return or facilitate the fair, unbiased and accurate restoration or reconstruction of Kosovar documentation and legal records taken or destroyed during the conflict;

13. *Stresses* the importance and the responsibility of all parties to create a secure environment in Kosovo that will allow refugees and displaced persons to return and allow all those who wish to remain in Kosovo a genuine possibility to do so, irrespective of their ethnic origin;

14. *Requests* the Secretary-General to pursue his humanitarian efforts in Kosovo through the Office of the United Nations High Commissioner for Refugees, the World Food Programme, the United Nations Children's Fund, other appropriate humanitarian organizations and the Office of the United Nations High Commissioner for Human Rights, and to continue to take the urgent practical steps to meet the critical needs of the people in Kosovo and to assist the voluntary return of displaced persons to their homes in conditions of safety and dignity;

15. *Encourages* the Office of the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International and Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to continue investigations at all levels concerning official individuals or private citizens, with regard to serious violations of international humanitarian law committed in Kosovo, and reaffirms that the investigation of such crimes falls within the jurisdiction of the Office;

16. *Demands* that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Kosovar Serb and Albanian leaderships and all others concerned cooperate fully with the International Tribunal for the Former Yugoslavia and honour all obligations towards it;

17. *Reiterates* its call upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to live up to their commitment to provide financial and material assistance to those residents of Kosovo whose homes have been damaged;

18. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to provide information on the fate and the whereabouts of the high number of missing persons from Kosovo, and encourages the International Committee of the Red Cross to pursue its clarification efforts in this regard, in cooperation with other organizations such as the Organization for Security and Cooperation in Europe;

19. *Encourages* the ongoing cooperation provided by the Federal Republic of Yugoslavia (Serbia and Montenegro) regarding the visits to some two thousand prisoners, mainly of Kosovar Albanian origin, carried out by the International Committee of the Red Cross and held under the authority of the Ministry of Justice of Serbia;

20. *Welcomes* the efforts made by the international community, and calls for continuing support for the Office of the United Nations High Commissioner for Refugees

and other agencies engaged in the effort to provide those in need in Kosovo with proper accommodation, in particular with a view to facilitating the preparation and provision of adequate winter accommodation;

21. *Urges* all parties involved in Kosovo to support the efforts of the United Nations Children's Fund to ensure that all children in Kosovo return to school as soon as possible and to contribute to the rebuilding and repair of schools destroyed or damaged during the conflict in Kosovo;

22. *Calls* for the most rapid and full deployment of United Nations police and for the creation of a multi-ethnic local police force throughout Kosovo, as a key step towards guaranteeing respect for law and order and for creating a safe environment for all inhabitants of Kosovo;

23. *Condemns* any effort, on behalf of any ethnic group, to create any sort of parallel institutions for Kosovar Serb and Albanian populations, be they police, school, administrative or other institutions, and calls upon the Interim Administration Mission and the Kosovo Force to prevent any such institutions from being formed;

24. *Requests* the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue to monitor closely the situation of human rights in Kosovo, to pay special attention to Kosovo in his reporting and to report his findings to the Commission on Human Rights at its fifty-fifth session and to the General Assembly at its fifty-fifth session.

Draft resolution IX
Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The General Assembly,

Recalling all relevant resolutions on this subject, in particular Commission on Human Rights resolution 1999/18 of 23 April 1999,[72] as well as all Security Council resolutions and statements,

Bearing in mind General Assembly resolution 54/ ____ of _____ on the situation of human rights in Kosovo,

Reaffirming the obligations of all Member States under the Charter of the United Nations and the Universal Declaration of Human Rights,[73] the obligations of States parties under the International Covenants on Human Rights[74] and all other human rights instruments and the obligation of all to respect international humanitarian law, including the Geneva Conventions of 12 August 1949 on the protection of victims of war[75] and the Additional Protocols thereto, of 1977,[76] as well as the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

[72] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[73] Resolution 217 A (III).

[74] Resolution 2200 A (XXI), annex.

[75] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[76] Ibid., vol. 1125, Nos. 17512 and 17513.

Reaffirming also the territorial integrity of all States in the region, within their internationally recognized borders, taking fully into account all relevant Security Council resolutions,

Expressing its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[77] which, *inter alia*, committed the parties of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect fully human rights, and for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the "Basic Agreement"),[78]

Expressing its deep concern at the continuing evidence of violations of human rights and fundamental freedoms taking place to varying degrees in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and, in particular, the failure of the Federal Republic of Yugoslavia (Serbia and Montenegro) to follow the 1996 recommendations of the personal representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe,

Welcoming all contributions of the Office of the High Representative, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and other parts of the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission, Governments and intergovernmental and non-governmental organizations in the area in 1999,

1. *Reiterates its call* for the full and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement")[77] and the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the "Basic Agreement")[78] by all parties to those agreements;

2. *Stresses* the crucial role of human rights in the successful implementation of the Peace Agreement, and underlines the obligations of the parties under the Peace Agreement to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

3. *Also stresses* the need to direct international human rights efforts in the region to the core issues of the lack of full respect for the human rights and fundamental freedoms of all individuals without distinction, the rule of law and effective administration of justice at all levels of government, the freedom and independence of the media, freedom of expression, freedom of association, including with respect to political parties, freedom of religion and freedom of movement;

4. *Further stresses* the need for enhanced international human rights efforts to foster and effect the prompt and voluntary return of displaced persons and refugees in safety and with dignity;

5. *Reiterates its call upon* all parties and States in the region to ensure that the promotion and protection of human rights and effective, functioning democratic institutions will be central elements in developing civilian structures, as reaffirmed at the meetings of the Steering Board of the Peace Implementation Council and the Peace Implementation Conference;

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[77] See *Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995*, document S/1995/999.

[78] Ibid., document S/1995/951.

6. *Urges* all States and parties to the Peace Agreement that have not done so to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827 (1993) of 25 May 1993 and all subsequent relevant resolutions, and in particular to comply with their obligations to arrest and transfer to the custody of the Tribunal those indicated persons present in their territories or territories under their control;

7. *Continues to call upon* all parties to the Peace Agreement to take immediate steps to determine the identity, whereabouts and fate of missing persons in their territories, including through close cooperation with the United Nations as well as with humanitarian organizations and independent experts, and stresses the importance of coordination in this area;

8. *Notes* that varying degrees of progress have been made in the human rights situation in several areas, but that substantial efforts remain to be made;

I. Bosnia and Herzegovina

9. *Notes* the progress made in Bosnia and Herzegovina with regard to the increase of political pluralism and freedom of expression, through the participation of all groups and individuals, which represents another step towards democracy in Bosnia and Herzegovina, but remains concerned that freedom of speech and the media are still curtailed by political influence, notably through the selective and intimidating application of slander laws;

10. *Expresses its continued serious concern* about continuing human rights violations within Bosnia and Herzegovina and delays in the full implementation of the human rights provisions of the Peace Agreement, notably the delay in bringing legislation into compliance with the human rights provisions of the country's national Constitution, and the failure of local authorities and groups to comply with the obligations of the Peace Agreement;

11. *Condemns in the strongest terms* the complicity by local governments in the perpetration of violence against minority refugees and internally displaced persons returning to their homes and in the destruction of their homes, including acts of intimidation and all those acts designed to discourage the voluntary return of refugees and internally displaced persons, and calls for the removal from office of implicated local government officials as well as the immediate arrest and bringing to justice of those responsible for such acts;

12. *Calls upon* all the authorities of Bosnia and Herzegovina to adjudicate claims for, and implement decisions on, property rights made by local authorities and/or by the Commission on Real Property Claims of Displaced Persons without further delay;

13. *Reiterates its demand* that all parties in Bosnia and Herzegovina immediately create conditions conducive to the voluntary return, in safety and with dignity, of refugees and internally displaced persons to their homes, with equal emphasis on the rights of persons belonging to minorities, to pass immediately and enforce legislation on property rights in conformity with recommendations made by the Office of the High Representative, and to end practices of discrimination on ethnic or political grounds;

14. *Notes with satisfaction* the decline in violence against returning refugees and displaced persons, while remaining concerned that all ethnic groups continue to report harassment;

15. *Welcomes* the adoption of a new criminal code and of codes of ethics by the judges and prosecutors of both entities, and the increased strength of the prosecutor's office of the Federation of Bosnia and Herzegovina as a result of laws imposed by the High

Representative, but notes that the judicial processes still do not sufficiently protect the rights of the accused;

16. *Notes* that the decisions of the Human Rights Chamber are starting to be implemented, while reminding both State and entity-level governments to pay increased attention to decisions of the Chamber;

17. *Calls upon* the authorities of Bosnia and Herzegovina and, in particular, the authorities of the Republika Srpska to increase their cooperation with the Commission on Human Rights for Bosnia and Herzegovina (the "Commission"), to cooperate fully with the International Tribunal for the Former Yugoslavia and to intensify their efforts in this regard;

18. *Notes* that police standards and protection have improved, while remaining concerned about continuing indications among the police of unprofessional conduct, political influence and instances of interference with the return of refugees and the use of excessive force;

19. *Urges* the authorities of Bosnia and Herzegovina, in particular those of the Republika Srpska, to ensure full and free access to their territories to all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations, and to provide for the protection of those organizations, especially those providing humanitarian assistance;

20. *Stresses* the importance of the implementation of the programme proposed by the High Representative in coordination with the United Nations Mission in Bosnia and Herzegovina, the Council of Europe and the Organization for Security and Cooperation in Europe for a comprehensive judicial reform;

21. *Calls upon* the authorities of both entities to cooperate closely with the Office of the United Nations High Commissioner for Refugees in matters relating to the return of refugees and to ensure that local authorities and groups permit and encourage the return of displaced persons to their homes of origin;

22. *Also calls upon* the authorities of Bosnia and Herzegovina urgently to consider, with a view to its early adoption and full implementation, the draft permanent election law designed by the Organization for Security and Cooperation in Europe to strengthen ties between constituents and representatives, strengthen democratic accountability and encourage pluralistic, multi-ethnic political parties;

23. *Notes* the importance of the work of the human rights ombudsman in bringing to light many cases of human rights violations and in resolving several of them, and urges the authorities of Bosnia and Herzegovina to implement the recommendations;

24. *Condemns* recurrent instances of religious discrimination and violence and the denial to religious minorities of their rights to reclaim and rebuild their religious sites;

25. *Expresses its concern* that trafficking in women is a growing problem, and calls upon the authorities of Bosnia and Herzegovina to act vigorously to combat this;

II. Republic of Croatia

26. *Notes with interest* the initiatives taken by the Republic of Croatia to improve the legislative and economic framework for the return of refugees, in particular steps to eliminate discriminatory provisions of Croatian laws;

27. *Notes with satisfaction* the cooperation between the Police Monitoring Group of the Organization for Security and Cooperation in Europe and the local police forces in

Eastern Slavonia, while also noting continued instances of ethnically based problems in Eastern Slavonia;

28. *Welcomes* the continuing efforts by the Republic of Croatia to train and guarantee the professionalism and impartiality of the Croatian police and military forces, and notes, in particular, the commitment on the part of the Ministry of the Interior to maintain an ethnically diverse police force in the Danube region;

29. *Also welcomes* the actions of the Government of the Republic of Croatia related to the return of significant numbers of persons to their places of origin since 1995, and the steps being taken by the Government to eliminate discriminatory provisions of Croatian laws, while noting that the pace of minority returns from third countries has been disappointing, and expresses concern that protection of the rights of persons belonging to minorities has not met the level of Croatia's legal obligations;

30. *Notes* that the Government of the Republic of Croatia has continued its efforts to codify democratic norms, including the independence of its judiciary, freedom of association and assembly, while also noting that the application by the Government of those laws and principles has lagged behind its stated intentions;

31. *Expresses deep concern* about the fact that commitments by the Government to improve the freedom of the press have remained unfulfilled, and reaffirms the need for free and independent media and to provide to all political parties equal access to all forms of media during the forthcoming electoral campaign;

32. *Notes* the passage of a new telecommunications law as a positive step, but urges the Government of the Republic of Croatia to comply with international recommendations, in particular of the mission of the Organization for Security and Cooperation in Europe in the areas of electoral and media reform, regrets that until now those recommendations have been only partially fulfilled and stresses the importance of the full application of the 1991 citizenship law;

33. *Expresses deep concern* about the reported extensive campaign of wiretapping against the independent media and opposition political figures, and calls upon the Government of the Republic of Croatia to ensure that the media and opposition political figures and parties are not harassed or hindered in their actions or intimidated by government actions and are guaranteed the same protections as representatives of the media or political establishment who are favourable to the Government;

34. *Welcomes* the signing on 10 May 1999 by the Government of the Republic of Croatia of the programme of technical assistance of the Office of the United Nations High Commissioner for Human Rights, with a view to building national human rights capacity and human rights education, and looks forward to the implementation of the programme in December 1999;

35. *Notes* the efforts of the Republic of Croatia to codify and incorporate the impartial application of the law, but urges the swift and complete implementation of judicial decisions for all citizens, irrespective of ethnicity, religion or political affiliation, while noting with concern that due process, the rule of law, the treatment of ethnic minorities and press freedoms fall short of the standards of the Organization for Security and Cooperation in Europe, notably that lengthy judicial processes plague the Croatian judiciary and that cases of interest to the ruling party are processed more expeditiously than others;

36. *Also notes* the formal steps taken by the Republic of Croatia to guarantee the rights of persons belonging to minorities, and the ratification of the framework convention for the protection of national minorities and the European Charter for Regional Minority

Languages, but continues to remind the Government of its primary responsibility to restore the multi-ethnic character of Croatia, in fact as well as in law, including the pledge to guarantee the representation of national minorities, including Serbs, at various levels of local, regional and national government;

37. *Further notes* outstanding letters from the President of the International Tribunal for the Former Yugoslavia to the Security Council, and calls upon the Republic of Croatia to cooperate fully with the Tribunal and to comply, in particular, with its obligation to arrest and transfer to the custody of the Tribunal those indicted persons known to be present in its territory and, when prosecuting war crimes, to ensure that domestic prosecution complies with international standards and the obligations of the Republic of Croatia to the Tribunal;

III. Federal Republic of Yugoslavia (Serbia and Montenegro)

38. *Condemns* the Federal Republic of Yugoslavia (Serbia and Montenegro) for its gross violations of the human rights of the ethnic Albanians of Kosovo and its violent campaign to expel or deport ethnic Albanian Kosovars from their homes and communities in the Federal Republic of Yugoslavia (Serbia and Montenegro);

39. *Calls upon* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and all authorities and representatives of ethnic groups in Kosovo to implement Security Council resolution 1244 (1999) of 10 June 1999 and consequently to cooperate fully and support the United Nations Interim Administration Mission in Kosovo in fulfilling its mandate;

40. *Strongly condemns* the presence of indicted war criminals in the hierarchy of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Government of the Republic of Serbia or those who are fugitives in the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro), and calls for them to be removed from office and transferred to the custody of the International Tribunal as one of the first steps towards reinstating the Federal Republic of Yugoslavia (Serbia and Montenegro) in the community of law-abiding States;

41. *Demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) hand over to the International Tribunal for the Former Yugoslavia all government officials of the Federal Republic of Yugoslavia (Serbia and Montenegro) and of the Government of the Republic of Serbia indicted as war criminals and repudiate the leadership of anyone so indicted as a first step towards establishing a democratic government and becoming a full and respected member of the international community, and reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its obligations to cooperate fully with the Tribunal;

42. *Also demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately bring to justice any persons, in particular those of its personnel, who have authorized or engaged in breaches of international humanitarian law and violations of human rights, including summary executions, indiscriminate attacks on civilians, indiscriminate destruction of property, mass forced displacement of civilians, the taking of civilian hostages, torture and other cruel, inhuman or degrading treatment or punishment and, in this context, reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its obligations to cooperate fully with the International Tribunal for the Former Yugoslavia and the United Nations High Commissioner for Human Rights;

43. *Further demands* an immediate end to illegal and/or hidden detention by the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as by paramilitary groups

in Kosovo, and requests the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to investigate any and all allegations of hidden detentions, including detentions of ethnic Serbs, Albanians and others;

44. *Demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) institutionalize democratic norms, by holding free and fair elections at all levels of government, respecting the rule of law and the administration of justice and fully respecting human rights and fundamental freedoms;

45. *Also demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) promote and protect free and independent media, and that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) repeal any law that hinders the full and free exercise of the democratic rights of the citizens of the Federal Republic of Yugoslavia (Serbia and Montenegro), cease any harassment and hindrance of journalists wherever within the Federal Republic of Yugoslavia (Serbia and Montenegro) they may be practising their profession, and repeal repressive laws on universities and the media which suppress any and all internal dissent or expression of independent views, and concomitantly respect the right of free speech;

46. *Emphasizes* that the subversion of the fundamental democratic rights of the citizens of the Federal Republic of Yugoslavia (Serbia and Montenegro) extends to the Federal Republic of Yugoslavia (Serbia and Montenegro) as a whole, calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the rights of all persons belonging to minority groups, especially in the Sandjak and Vojvodina, and of persons belonging to the Bulgarian minority, and supports the unconditional return of the long-term missions of the Organization for Security and Cooperation in Europe, as called for by the Security Council in its resolutions;

47. *Concerned* by the continued grave infringements upon freedom of expression in the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular with regard to the exploitation of the crisis in Kosovo as a means to stifle and suppress views opposing the government in power, a violation of the basic rights of free speech;

48. *Denounces* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) for its legal and physical intimidation of peaceful political opposition activities and of individuals who express views that differ from those of the Government, and demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) respect the fundamental rights of individuals to free assembly and free speech;

49. *Insists* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) support the activities of the international community and the United Nations Interim Administration Mission in Kosovo to rebuild and facilitate the multi-ethnic society in Kosovo that the policy of ethnic cleansing, intimidation and discrimination largely destroyed, in particular by using the influence of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) among the local Serb representatives in Kosovo and by working in good faith with the local Albanian representatives to that end;

50. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to implement fully, with dispatch and in good faith, their obligations under the Peace Agreement, notably to cooperate fully with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations to alleviate the suffering of refugees and internally displaced persons and to assist in their safe and voluntary return to their homes;

51. *Calls upon* States to consider additional voluntary contributions to meet the pressing human rights and humanitarian needs in the area, and underlines the need for continued coordination among States, international organizations and non-governmental organizations of initiatives and programmes with the aim of avoiding duplication, overlap and working at cross purposes;

52. *Decides* to continue its examination of this question at its fifty-fifth session under the item entitled "Human rights questions".

Draft resolution X
Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the International Bill of Human Rights,[79] the Convention on the Prevention and Punishment of the Crime of Genocide[80] and other applicable human rights and humanitarian law standards,

Recalling its resolution 53/156 of 9 December 1998 and relevant previous resolutions, and taking note of Commission on Human Rights resolution 1999/20 of 23 April 1999,[81]

Reaffirming that the promotion and protection of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda,

Welcoming the commitment of the Government of Rwanda to promote and protect respect for human rights and fundamental freedoms and to eliminate impunity, the progress made towards the development of a State governed on the basis of the rule of law, and the efforts undertaken to consolidate peace and stability and promote unity and reconciliation,

Recognizing that the promotion and protection of human rights for all are essential for achieving stability and security in the region,

1. *Takes note with appreciation* of the report of the Special Representative of the Commission on Human Rights on Rwanda;[82]

2. *Reiterates* its strong condemnation of the crime of genocide and the crimes against humanity committed in Rwanda in 1994;

3. *Reaffirms* that all persons who committed or authorized acts of genocide or other grave violations of human rights and international law are individually responsible and accountable for those violations;

4. *Expresses concern* that most of the perpetrators of the genocide and other gross violations of human rights continue to evade justice;

5. *Also expresses concern* that despite the imposition by the Security Council of an arms embargo which has remained in force since the genocide of 1994, the *Interahamwe* militias and the former members of the Rwandan armed forces continue to receive military, financial and logistical support, and in this regard, calls upon the international community

[79] See resolutions 217 A (III), 2200 A (XXI), annex, and 44/128, annex.
[80] Resolution 260 A (III).
[81] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.
[82] A/54/359.

to take urgent measures to enable the disarmament of those groups in accordance with the letter and spirit of the Lusaka Ceasefire Agreement;

6. *Reiterates its request* that all States cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

7. *Encourages* the International Criminal Tribunal for Rwanda to adopt further measures to enhance its efficiency and effectiveness;

8. *Notes* improvements in the human rights situation in Rwanda since the fifty-third session of the General Assembly, expresses concern at those violations of human rights that are reported, and urges the Government of Rwanda to continue to investigate and prosecute such violations;

9. *Welcomes* the continuation of domestic trials of those suspected of genocide and crimes against humanity and the improvements that have been made in the trial process, and encourages the Government of Rwanda, with the support of the international community, to strengthen the capacity of the independent judicial system in accordance with international human rights standards;

10. *Encourages* the International Criminal Tribunal for Rwanda and the Government of Rwanda to continue to prosecute crimes of sexual violence committed against women during the 1994 genocide;

11. *Welcomes* the deliberations currently being conducted in Rwanda to determine new mechanisms to handle the large caseload of detainees awaiting trial on genocide and related charges in a more expeditious manner, notes in this regard the proposal of the Government of Rwanda to establish a complementary system of participatory justice, urges the Government of Rwanda to ensure that any such system is in conformity with the law and international human rights standards, and encourages the international community to assist in this area;

12. *Reiterates its appeal* to the international community to provide financial and technical assistance to the Government of Rwanda within a mutually agreed framework of cooperation to help strengthen the protection of genocide survivors and witnesses and the administration of justice, including adequate access to legal representation to prosecute those responsible for genocide and other violations of human rights and to promote the rule of law in Rwanda, and notes with appreciation the assistance already provided by some members of the donor community;

13. *Welcomes* the continuing efforts of the Government of Rwanda to build a State based on the rule of law and the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights[83] and other relevant international human rights instruments;

14. *Notes* that in July 1999 the transitional Government mandate was extended for a further four years, commends the Government of Rwanda for holding elections at the cell

[83] Resolution 217 A (III).

and sector levels in a peaceful and successful manner, and supports the Government in the continuation of its democratization process;

15. *Commends* the Government of Rwanda for its continued efforts to improve the situation of children, and encourages it to continue with these efforts, guided by a concern for the best interests of children, as specified in the Convention on the Rights of the Child;[84]

16. *Welcomes* the establishment by legislation of the National Human Rights Commission, encourages the Government of Rwanda and the international community to provide their full support to the Commission to enable it to carry out its mandate to monitor human rights in the country effectively and independently, in accordance with internationally recognized norms, notes the convening of a National Human Rights Commission round-table meeting in October 1999, and urges the Government of Rwanda to pursue its recommendations;

17. *Encourages* the United Nations High Commissioner for Human Rights, the Government of Rwanda, other Governments, international organizations and non-governmental organizations to provide, within a mutually agreed framework of cooperation, support for the reconstruction of a human rights infrastructure, including a strong civil society;

18. *Notes with appreciation* the continuing assistance provided to the National Human Rights Commission by the United Nations High Commissioner for Human Rights;

19. *Welcomes* the commitment of the Government of Rwanda to continue to promote national unity and reconciliation, and welcomes the establishment by legislation of the National Unity and Reconciliation Commission as a basis for the promotion of tolerance and non-discrimination;

20. *Encourages* the National Unity and Reconciliation Commission and the National Human Rights Commission to work closely together to ensure the complementarity of their efforts;

21. *Reiterates its concern* at the conditions in many communal detention centres and some prisons in Rwanda, calls upon the Government of Rwanda to continue its efforts to ensure that persons in detention are treated in a manner that respects their human rights, emphasizes the need for greater attention and resources to be directed to this problem, and again urges the international community to assist the Government of Rwanda in this area;

22. *Encourages* the continuing efforts of the Government of Rwanda to reduce the prison population by releasing minors, elderly prisoners, prisoners suffering from terminal illnesses and suspects with incomplete files who were detained for their alleged involvement in genocide and other abuses of human rights, and reaffirms the urgent need to complete a dossier for every detainee with a view to identifying those who should be formally charged and those who should be released immediately, early or conditionally;

23. *Encourages* the Government of Rwanda to continue, in cooperation with the Office of the United Nations High Commissioner for Refugees, to provide protection and assistance to returnees to Rwanda;

24. *Notes* the initiative by the Government of Rwanda to regroup scattered rural populations in the country under a programme of villagization in order to facilitate community development infrastructure, and urges the Government of Rwanda to ensure that the human rights and fundamental freedoms of all are respected in the implementation of this programme;

[84] Resolution 44/25, annex.

25. *Calls* for close regular consultation between the Special Representative and the Government of Rwanda, the National Human Rights Commission and all relevant national institutions regarding the functioning of the National Human Rights Commission;

26. *Decides* to keep the situation of human rights in Rwanda under consideration at its fifty-fifth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.